

REMARKS

A. REQUEST FOR RECONSIDERATION

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action dated December 31, 2008 but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the abstract, the amendments to the claims and the following remarks.

B. STATUS OF THE CLAIMS

Claims 1, 3-5 and 8-31 are pending in this application.

Claims 11, 13-16 and 23-31 have been withdrawn and claims 1, 3-5, 8-10, 12 and 17-22 are under prosecution.

Claim 1 has been amended herein to more particularly set forth that which Applicants consider to be the invention.

Claims 3, 8, 10, 12, 13, 15-23, 27-29 and 31 have been amended to correct dependency.

C. CLAIM OBJECTIONS AND AMENDMENTS

Claim 1 has been amended herein to recite the limitations of claims 2, 6 and 7, namely that precursors for organic and inorganic component are activated in two or more separate plasma sources for plasma activated deposition of a chemical vapor phase, and the inorganic component is generated in a high electron density high-frequency plasma and the high electron density high-frequency plasma is pulsed. Claims 2, 6 and 7 have been cancelled herein.

Claim 3 has been amended herein to correctly depend from claim 1.

Claims 8, 10 and 16-22 had been objected to for being in improper multiple dependent form. Claims 8, 10 and 17-22 have been amended herein to remove multiple dependencies.

No new matter has been added herein.

D. PRIOR ART REJECTIONS

Claims 1-10, 12 and 17-22 had been rejected as being obvious anticipated by, or alternatively, obvious over Yamada (US 5,024,927).

The Examiner cited Yamada to teach a method substantially as claimed. However, Applicants submit that the Examiner has not shown that Yamada teaches every element of the claimed invention, or made a *prima facie* case for obviousness, especially in view of the amendments made herein.

The Examiner did not cite Yamada to teach or suggest the claimed subject matter presented in claims 2-9 and 18-22. In fact, with respect to claims 2-9 and 18-22, the Examiner merely stated that the “limitations of these claims are not addressed as further limiting *optional* two or more plasma sources” (Examiner’s emphasis, page 4 of the Office Action). As discussed above, Applicants have amended claim 1 to require the limitations of claims 2, 6 and 7, namely applying a hybrid coating wherein two separate plasmas are used for the activation of precursors for the organic and inorganic component and wherein the high electron density plasma is pulsed. Therefore, contrary to the Examiner’s position, the limitation that precursors for organic and inorganic component are activated in two or more separate plasma sources for plasma activated deposition of a chemical vapor phase is not “optional”.

Furthermore, the Examiner has not provided any indication that Yamada teaches or suggests the claimed subject matter provided in claim 1 as amended. Rather, the Examiner actually states that “in the process of Yamada et al, the precursors for the inorganic and organic components are activated in one plasma source” (Examiner’s emphasis, page 4 of the Office Action). The Examiner recognizes that Yamada teaches that precursors for organic and inorganic component are activated in one plasma source, not two or more. Yamada also provides no disclosure anywhere regarding high electron density high frequency plasma tor that the plasma is pulsed. As described on page 14, lines 18-22 of the present application, the plasma is pulsed to liberate the particles captured from the plasma volume and to effect deposition on the substrate to be coated. Thus, the use of a pulsed plasma contributes specifically to the formation of a hybrid (organic/inorganic) coating containing (inorganic) microparticles. Clearly, Yamada does not teach or suggest the methods claimed herein.

Therefore, the reference relied upon by the Examiner does not expressly anticipate or make obvious all of the elements of the claimed invention (see MPEP §2121). Since Yamada neither teaches nor suggests methods for applying a hybrid coating wherein two separate plasmas are used for the activation of precursors for the organic and inorganic component and wherein the high electron density plasma is pulsed, it is respectfully submitted that the claims presented herein are patentable over the Examiner's rejections.

E. ELECTION/RESTRICTION

Applicants note that the withdrawn claims have been amended to require the limitations of the elected claims, and thus are commensurate in scope with the examined claims (see MPEP §821.04). For example, the hybrid coating of claim 23 is the direct result of the novel and inventive method of claim 1, and provides for a material that combines the favorable properties of inorganic and ceramic materials, such as high mechanical strength and a high degree of wear and scratch resistance, with the favorable properties such as a high degree of flexibility and impact resistance of organic materials. Applicants respectfully request rejoinder of all appropriate claims removed by the Examiner and withdrawal of the restriction requirement between the elected invention and a nonelected invention and examination of the formerly nonelected invention on the merits.

F. CONCLUSION

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

G. FEES

This response is being filed within the shortened period for response, thus no fees are believed due. If it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to deposit account 02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

Respectfully submitted,

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